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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/776,503	02/02/2001	Dale Blackson	D-1132 R	9612

28995 7590 03/30/2004

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EXAMINER

KAZIMI, HANI M

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 03/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/776503

Applicant(s)

B. Iselson

Examiner

Hers, g

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/7/04
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-86 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-86 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirements.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other: _____

DETAILED ACTION

Reply to Appeal Brief

1. This action is issued in reply to applicant's Appeal Brief(Paper #9) filed 1/7/04.
2. Prosecution is reopened.
3. Claims 1-86 are pending.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-86 are rejected under 35 USC 103(a) as unpatentable over De Leo(US Pat. No: 6,381,626) in view of Montiero(US Pat. No: 5,778,187) and further in view of Duliege(US Pat. No: 6,477,532).

6. As per claims 1-86 De Leo teaches ATM video advertising(Abstract)(Figs 1-4) which includes digital files which also includes cash dispensing with I/O inputs and a central computer processor(col 1 line 26-col 2 line 45). DeLeo also teaches use of audio/visual files from a data storage device(col 3 lines 17-56)(Fig 2) in ATM machines. persuasive.De Leo teaches dispensing currency responsive to a first user input(Fig 3/70)(Fig 4) as well as dispensing a digital information file responsive to another(second) user input(Fig 3/76)(Fig 4)(col 2 line 66-col 4 line 8).DeLeo also

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teaches multiple transaction terminals(col 3 lines 1-4), for multiple users including first and second users to a host computer.DeLeo teaches both currency dispensing and digital information file dispensing(Fig 3)(Fig 4)(col 6 line 66-col 7 line 65).DeLeo further is not limited to the same user, because digital file outputs and currency transactions are not necessarily coupled(col 6 lines 3-6).In addition to that taught by Deleo, Monteiro teaches a high quality audio delivery system over a computer network(Abstract)(Figs 1-19).Monteiro also teaches a network of media servers(Fig 1) and multicast links(Fig 4) as well as playing audio files at the user station(Fig 4B).Monteiro also teaches tracking the server that provide media data files to user channels(Fig 15).Monteiro further teaches forwarding audio packets to other users also(Fig 16A).Monteiro further teaches delivering music(Fig 18) as well as the ability to order a CD(Fig 18).Monteiro also teaches the file(which inherently has a print function) enabling an output to be obtained in hard copy form(Fig 18)(col 17 lines 5-35). It would have been obvious to one skilled in the art at the time of the invention to combine De Leo in view of Monteiro and to apply the use of audio digital files in the conduct of ATM operations and employ them specifically to the subset of music audio files. The motivation to combine is to teach an ATM machine which can dispense cash as enunciated by Monteiro(col 2 lines 1-24) and which presents an audio output to the customer. In addition to that taught by Monteiro, Duliege also teaches online purchases for audio files(col 3 lines 24-col 4 line 5) as well as marking of downloaded files included in digital files the digital signartuewe that is transferred into graphic data(col 6 lines 15-20).Duliege also teaches printable digitized files with costs associated with these

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files(col 2 lines 47-53). It would have been obvious to one skilled in the art at the time of the invention to combine De Leo in view of Monteiro and further in view of Duliege to apply the use of audio digital files in the conduct of ATM operations and employ them specifically to the subset of music audio files with costs associated with the files. The motivation to combine is to teach an ATM machine which can dispense cash and digital data and which presents a printable audio output to the customer and which has an associated cost associated with a purchase (col 2 lines 47-53) as enunciated by Duliege.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-86 are further rejected under 35 USC 112(2nd) for failing to specifically claim what applicant regards is the invention. The independent claims are vague.

Conclusion

9. **THIS ACTION IS MADE NON-FINAL.**

10. Any questions concerning this communication should be addressed to the primary examiner of record, Dr. Geoffrey Akers, P.E., who can be reached between 6:30 AM and 5:00 PM Monday through Friday at 703-306-5844. If attempts to contact the primary examiner are unsuccessful, the primary examiner's superior, Mr. Vincent Millin, SPE, may be telephoned at (703)-308-1065.

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The fax number for Formal or Official faxes and Draft or Informal faxes to Technology Center 3600 or this Art Unit is (703)-308-3687. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)-308-1113.

GRA

March 19, 2004

DR. GEOFFREY R. AKERS, P.E.
PRIMARY EXAMINER